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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) Criminal No. CR 06-0815 SI

Plaintiff,

Criminal No. CR 06-0815 SI

**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME**

DENY SORTO-FUENTES,

Defendant.

The above-captioned matter came before the Court on December 28, 2006, for arraignment on the indictment in United States Magistrate Court. DENY SORTO-FUENTES, was represented by Federal Public Defender Barry Portman, and the government was represented by Philip J. Kearney, Assistant United States Attorney. The Court continued the matter until January 12, 2007 at 11:30 a.m., for the defendant to make his initial appearance before the Honorable Susan Illston in United States District Court.

The Court made a finding that the time between December 28, 2006, and January

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CR 06-0815 SI**

12, 2007, should be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A),
1 because the ends of justice served by taking such action outweighed the best interest of
2 the public and the defendant in a speedy trial. That finding was based on defense
3 counsel's need for additional time to adequately prepare the matter, taking into account
4 the exercise of due diligence. That finding should be made pursuant to 18 U.S.C. §
5 3161(h)(8)(B)(iv).

6 The parties hereby agree to and request that the case be continued until January 12,
7 2007, at 11:00 a.m. and that an exclusion of time until that date be granted. The parties
8 agree and stipulate that the additional time is appropriate and necessary under Title 18,
9 United States Code, Section 3161(h)(8)(A), because the ends of justice served by this
10 continuance outweigh the best interest of the public and the defendant in a speedy trial.
11

12 DATED: 12/28/06

13 /S/
14 BARRY PORTMAN, ESQ.
15 Counsel for DENY SORTO-FUENTES

16 DATED: 12/28/06

17 /S/
18 PHILIP J. KEARNEY
19 Assistant United States Attorney

20 So ordered.

21 DATED: December 29, 2006

22 
23 BERNARD ZIMMERMAN
24 UNITED STATES MAGISTRATE

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27
28 **STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME
CR 06-0815 SI**